

**HIGH COURT OF TRIPURA
AGARTALA
WP(C) No.781 of 2023**

Tripti Debi Bhattacharya

Petitioner(s)

Versus

The State of Tripura & 3 Ors.

Respondent(s)

For Petitioner(s)	:	Mr. Samar Das, Advocate
For Respondent(s)	:	Mr. D. Sarma, Addl. GA. Mr. Arijit Bhaumik, Advocate Mr. S.Dey, Advocate

HON'BLE MR. JUSTICE T. AMARNATH GOUD

ORDER

19.12.2023

This is a petition filed under Article 226 of the Constitution of India seeking the following reliefs:-

" i. Issue rule upon the respondents to show cause as to why writ in the nature of mandamus and/or order/direction shall not be issued whereby calling upon the respondents to show cause as to why permission to construct at least a two storied building in the petitioner's existing plot of land which is situated in severely flood affected area, shall not be permitted likewise the permission accorded under rule 3 of the Tripura Building Rules, for construction of buildings given to other inhabitants of Agartala town and AMC area in such similar exceptional circumstances.

ii. Direct the respondents to arrange immediately for a suitable plot of 2.5 gandas of land from AMC or government land in the heart of the Agartala town (as the petitioner now owns and possess), in case the respondents arbitrarily decide not to accord permission for construction of building to the petitioner, for meaningful living of the petitioner and her family members in a risk less hygienic place.

iii. Call for records."

[2] Heard Mr. Samar Das, learned counsel appearing for the petitioner. Also heard Mr. Arijit Bhaumik, learned counsel appearing for the respondent-Agartala Municipal Corporation. Mr. D. Sarma, learned Addl. GA appears on behalf of the respondent-State.

[3] It is the case of the petitioner that the petitioner is having his residential dwelling unit which is under the low lying area and because of the rains, his house is becoming non-befitting and becomes waterlogged and the same is getting damaged. He has also filed the photographs before this Court in support of the same.

[4] Mr. Sarmar Das, learned counsel appearing for the petitioner, therefore, submits that for making an upper floor and to have a safe accommodation, the petitioner made a request before the respondents and also filed a plan. The respondents by a letter dated 27th April 2023 informed the petitioner that his request could not be considered as per Tripura Buildings Rules, 2017. The petitioner further in the month of May 2nd 2023 made a representation before the Commissioner, Agartala Municipal Corporation and the same is pending.

[5] Mr. A Bhaumik, learned counsel appearing for respondent nos. 3 and 4 submits before this court that the petitioner is not entitled for any upper floors since as per the building rules and regulations, the accessible road in front of the house is less than 5 ft. and thus no upper floors are permitted and the same has been communicated to the petitioner by the respondents by a letter dated 27th April 2023.

[6] Heard both sides.

[7] On a bare perusal of the letter issued by the Assistant Commissioner of Agartala Municipal Corporation on 27.04.2023, do not indicate any cogent reasons and it does not deal with the application and rules denying the request of the petitioner. It is a cryptic and non-speaking order.

[8] However, without going into the merits of the case, this present writ petition is disposed of with a direction that the representations made by the petitioner on 26th April, 2023, 2nd May 2023, and 29th May, 2023 along with the revised plans which the petitioner has submitted, be looked into by the respondents no. 3 and 4 and pass a speaking order and communicate the same to the petitioner as expeditiously as possible preferably within a period of 1(one) month from the date of receipt of the copy of the order.

[9] Accordingly, the present writ petition stands disposed of. As a sequel, miscellaneous application(s), pending if any, shall stand closed.

JUDGE

Paritosh

**SABYASACHI
GHOSH**

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